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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,390	03/01/2002	Arnold H. Bramnick	BOC9-2001-0020	1305

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PATENTS ON DEMAND, P.A.  
4581 WESTON ROAD  
SUITE 345  
WESTON, FL 33331

EXAMINER

KOROBV, VITALI A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/086,390	BRAMNICK ET AL.	
	Examiner	Art Unit	
	Vitali Korobov	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04/03/2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**Response to Amendment**

1. This Office Action is in response to the amendment filed 04/03/2006. Claims 1-20 were cancelled. New claims 21-40 were added. Therefore, claims 21-40 are pending in this Office Action.

***Response to Arguments***

2. Arguments presented by the Applicants are related to the cancelled claims and therefore are moot. No arguments were presented with respect to newly submitted claims. Therefore, there are no arguments that require a response.

**Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 22-29 and 31-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22-29 and 31-38 are listed as dependent on the claims that have been cancelled, rendering them indefinite. Since the claim dependancies are not properly identified, the examination of the dependent claims 22-29 and 31-38 on the merits is precluded.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

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(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 21, 30, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by the U. S. Patent No. 6,351,776 to O'Brien et al., hereinafter O'Brien.

Regarding claim 21, O'Brien teaches a file retrieval system comprising: a file server connected to an internet (Fig. 1, file server 146 is connected to the Internet drive 104); a client machine including a Web browser connected to the internet, said Web browser displaying a Web page associated with a URL (Fig. 1, client 102, running a web application. Col. 3, lines 45-50 - browser application running on a client's computer. Browsers inherently display web pages associated with a URL); a file transfer server connected to the internet (Fig. 1, web server 140, connected to a public network 106), wherein the file server, the client machine, and the file transfer server are remotely located from each other (Fig. 1 shows that these elements are remote from each other) wherein client machine is configured to convey a file request to the file transfer server, said file request including the URL (Col. 7, lines 55-59 - HTTP file request by a client), wherein the file transfer server is configured to establish a direct connection with the file server (Col. 8, lines 10-15 - non-routable connection between file transfer server 120 and file server 146. Col. 6, lines 59-63 - there may be one tier between the client 102 and the data resource 104, which means direct connectivity between file server and a file transfer server), and wherein at least one file associated with the URL is conveyed over the direct connection and

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stored in a storage space specified by the file transfer server, said storage space being remotely located from the client machine (Col. 4, lines 7-10).

Regarding claim 30, O'Brien teaches a file retrieval method comprising: presenting a Web page within a Web browser of a first client machine, the Web page including at least one hyperlink to a file designated by the hyperlink, each said designated file being served by a file server connected to the first client machine via an internet (Fig. 14 - web page displayed in the client's browser application with hyperlinks to files and file folders); said client machine sending a first request to a file transfer server connected to the first client machine via the internet, the file request including a URL for the Web page (Fig. 11, step 1112 - user submits URL); responsive to the first request, the file transfer server utilizing the URL to determine at least one file designated by the hyperlink (Fig. 11, step 1170); establishing a direct connection between the file server and the file transfer server (Col. 6, lines 59-63 - there may be one tier between the client 102 and the data resource 104, which means direct connectivity between file server and a file transfer server); conveying the determined at least one file over the direct connection (Fig. 11, step 1170, 1172); storing the determined at least one file in a storage space remotely located from the client machine (Fig. 11, step 1174); the file transfer server receiving a second request for the stored at least one file from a second client machine; and the file transfer server conveying the stored at least one file to the second client machine (Col. 4, lines 1-5 - sharing files with other users).

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Regarding claim 39, O'Brien teaches a machine-readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a machine for causing the machine to perform the steps of: selecting a Web site by designating a URL for the Web site; presenting in a Web browser content from the Web sites, said presented content including at least one hyperlink to a file; conveying a file request to a file transfer server thereby offloading to the file transfer server a task of retrieving files designated by the at least one hyperlink from a file server associated with the URL, wherein a program automatically includes the URL of the displayed Web page in the file request; browsing while the file transfer server downloads the files designated by the at least one hyperlink without suffering performance losses which would have occurred had the task not been offloaded; and retrieving the downloaded files from the file transfer server (Fig. 11 and col. 18, lines 13-31 - "Skip the Download/Save to My Xdrive" functionality).

Regarding claim 40, O'Brien teaches a machine-readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a machine for causing the machine to perform the steps of: receiving a file request that includes a URL from a client machine (Col. 7, lines 55-59 - HTTP file request received from a client); establishing a direct connection between a file server associated with the URL (Col. 4, lines 7-10 - direct Internet-to-Internet file transfer); detecting at least one hyperlinks contained within a Web page associated with the URL, each of the hyperlinks being associated with a file (Col. 7, lines 9-13 - HTTP GET); requesting each file

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associated with a hyperlink of the Web page from the file server (Col. 7, lines 9-13 - HTTP GET); receiving requested file over the direct connection; storing the received file in a storage space remotely located from the client machine (Col. 4, lines 7-10 - direct Internet-to-Internet file transfer); and proving the stored file to a user of the client machine upon request (Col. 1, lines 13-20).

5. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov  
Examiner  
Art Unit 2155

VAK  
06/16/2006

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER